

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Chan

February 19, 2003

An act to amend Sections 17070.15, 17072.10, 17072.30, and 17072.32 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as introduced, Chan. School facilities: new construction: small schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to determine an applicant's maximum total new construction grant eligibility under a specified calculation and requires the board to annually adjust the per-unhoused-pupil apportionment to reflect construction cost changes.

Existing law precludes reduction of enrollment projections for a 3-year period, and requires the board to approve a supplemental apportionment, for an applicant school district having an enrollment of 2,500 or less.

This bill would provide that for a small school, as defined, the maximum total new construction grant shall be adjusted to reflect 120% of the amounts determined pursuant to the above calculations.

Existing law prohibits the board from apportioning funds for new construction unless certain conditions are met including, but not limited to, the requirement that the school district, prior to the release of state

funds, certify that the required 50% local matching funds will be deposited or expended.

This bill would, instead, for a project for construction of a new small school, authorize apportionment to a school district only if the school district certifies that the required 40% local matching funds will be deposited or expended.

Existing law authorizes the release of funds equal to the local match upon certification by the district that it has entered into a binding contract for completion of the project.

This bill would, for a project to construct a small school, authorize the release of funds equal to 60% of the total approved project costs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.15 of the Education Code is
2 amended to read:

3 17070.15. The following terms, wherever used or referred to
4 in this chapter, shall have the following meanings, respectively,
5 unless a different meaning appears from the context:

6 (a) “Apportionment” means a reservation of funds for the
7 purpose of eligible new construction, modernization, or hardship
8 approved by the board for an applicant school district.

9 (b) “Attendance area” means the geographical area serving an
10 existing high school and those junior high schools and elementary
11 schools included therein.

12 (c) “Board” means the State Allocation Board as established
13 by Section 15490 of the Government Code.

14 (d) “Department” means the Department of General Services.

15 (e) “Committee” means the State School Building Finance
16 Committee established pursuant to Section 15909.

17 (f) “Modernization” means any modification of a permanent
18 structure that is at least 25 years old, or in the case of a portable
19 classroom, that is at least 20 years old, that will enhance the ability
20 of the structure to achieve educational purposes.

21 (g) “Property” includes all property, real, personal or mixed,
22 tangible or intangible, or any interest therein necessary or
23 desirable for carrying out the purposes of this chapter.



(h) “School district” means a school district or a county office of education. For purposes of determining eligibility under this chapter, “school district” may also mean a high school attendance area.

(i) “Fund” means the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, as the case may be, established pursuant to Section 17070.40.

(j) “County fund” means a county school facilities fund established pursuant to Section 17070.43.

(k) “Portable classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

(l) “School building capacity” means the capacity of a school building to house pupils.

(m) *“Small school” means an elementary school with a total enrollment of no more than 100 pupils, a middle school with a total enrollment of no more than 300 pupils, or a high school with a total enrollment of no more than 600 pupils.*

SEC. 2. Section 17072.10 of the Education Code is amended to read:

17072.10. (a) The board shall determine the applicant’s maximum total new construction grant eligibility by multiplying the number of unhoused pupils calculated pursuant to Article 3 (commencing with Section 17071.75) in each school district with an approved application for new construction, by the per-unhoused-pupil grant as follows:

(1) Five thousand two hundred dollars (\$5,200) for elementary school pupils.

(2) Five thousand five hundred dollars (\$5,500) for middle school pupils.

(3) Seven thousand two hundred dollars (\$7,200) for high school pupils.

(b) The board shall annually adjust the per-unhoused-pupil apportionment to reflect construction cost changes, as set forth in

1 the statewide cost index for class B construction as determined by
2 the board.

3 (c) *Notwithstanding subdivisions (a) and (b), for a small*
4 *school, the maximum total new construction grant shall be*
5 *adjusted to reflect 120 percent of the amounts determined pursuant*
6 *to subdivisions (a) and (b).*

7 (d) The board may adopt regulations to be effective until July
8 1, 2000, that adjust the amounts identified in this section for
9 qualifying individuals with exceptional needs, as defined in
10 Section 56026. The regulations shall be amended after July 1,
11 2000, in consideration of the recommendations provided pursuant
12 to Section 17072.15.

13 ~~(d)~~

14 (e) The board may establish a single supplemental
15 per-unhoused-pupil grant in addition to the amounts specified in
16 subdivision (a) based on the statewide average marginal difference
17 in costs in instances where a project requires multilevel school
18 facilities due to limited acreage. The district's application shall
19 demonstrate that a practical alternative site is not available.

20 ~~(e)~~

21 (f) For a school district having an enrollment of 2,500 or less
22 for the prior fiscal year, the board may approve a supplemental
23 apportionment of up to seven thousand five hundred dollars
24 (\$7,500) for any new construction project assistance. The amount
25 of the supplemental apportionment authorized pursuant to this
26 subdivision shall be adjusted in 2001 and every year thereafter by
27 an amount equal to the percentage adjustment for class B
28 construction.

29 SEC. 3. Section 17072.30 of the Education Code is amended
30 to read:

31 17072.30. (a) Subject to the availability of funds, and to the
32 determination of priority pursuant to Section 17072.25, *if*
33 *applicable*, the board shall apportion funds to an eligible school
34 district only upon the approval of the project by the Department
35 of General Services pursuant to the Field Act, as defined in Section
36 17281, and certification by the school district that the required 50
37 percent matching funds from local sources have been expended by
38 the district for the project, or have been deposited in the county
39 fund, or will be expended by the district by the time the project is
40 completed, in an amount at least equal to the proposed

1 apportionment pursuant to this chapter, prior to release of the state
2 funds.

3 *(b) Notwithstanding subdivision (a), subject to the availability*
4 *of funds, the board shall, for a project to construct a small school,*
5 *apportion funds to an eligible school district only upon approval*
6 *of the project by the Department of General Services pursuant to*
7 *the Field Act, as defined in Section 17281, and certification by the*
8 *school district that the required 40 percent matching funds from*
9 *local sources have been expended by the district for the project, or*
10 *have been deposited in the county fund, or will be expended by the*
11 *district by the time the project is completed, in an amount at least*
12 *equal to 40 percent of the proposed apportionment pursuant to this*
13 *chapter, prior to release of the state funds.*

14 SEC. 4. Section 17072.32 of the Education Code is amended
15 to read:

16 17072.32. (a) For any project that has received an
17 apportionment pursuant to *subdivision (a) of Section 17072.30,*
18 funding shall be released in amounts equal to the amount of the
19 local match upon certification by the *school* district that the *school*
20 district has entered into a binding contract for completion of the
21 approved project.

22 *(b) Notwithstanding subdivision (a), for any project for*
23 *construction of a small school that has received an apportionment*
24 *pursuant to subdivision (b) of Section 17072.30, funding shall be*
25 *released in amounts equal to 60 percent of the amount of the local*
26 *match upon certification by the school district that the school*
27 *district has entered into a binding contract for completion of the*
28 *approved project.*

